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International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination
Ninety-sixth session

Summary record of the 2658th meeting
Held at the Palais Wilson, Geneva, on Tuesday, 14 August 2018, at 3 p.m.

Chair: Mr. Amir

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Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

Combined twentieth to twenty-third periodic reports of Mauritius

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The meeting was called to order at 3 p.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

Combined twentieth to twenty-third periodic reports of Mauritius (CERD/C/MUS/20-23; CERD/C/MUS/Q/20-23)

1. *At the invitation of the Chair, the delegation of Mauritius took places at the Committee table.*

2. **Mr. Gobin** (Mauritius), introducing the combined twentieth to twenty-third periodic reports of Mauritius (CERD/C/MUS/20-23), said that his Government was determined to provide a human rights-based approach to the country's socioeconomic and cultural development. A new ministry dedicated to human rights had been set up in September 2017 in order to deal with human rights issues in a more systematic and comprehensive manner. The new National Mechanism for Reporting and Follow-Up was part of that ministry and provided a platform for consultation with non-governmental organizations (NGOs) and civil society.

3. Referring to the list of themes drawn up by the Committee (CERD/C/MUS/Q/20-23), he said that most provisions of the Convention were already enshrined in the Constitution and various items of legislation. Implementation of the 2012–2020 National Human Rights Action Plan was regularly monitored by the Ministry of Justice, Human Rights and Institutional Reforms; around 90 per cent of the actions had been implemented, though they were at differing stages of implementation.

4. The Equal Opportunities Act did not currently include language as a protected ground of discrimination.

5. All members of the National Human Rights Commission were appointed by the President of the Republic, on the advice of the Prime Minister. The Commission was independent, reporting directly to the Prime Minister's Office. Similarly, there was no political interference in the work of the national preventive mechanism and Mauritius took pride in the independence of its judiciary and civil service.

6. No provision was made in Mauritian law for the application of special measures in favour of disadvantaged groups. The Constitution advocated equality for all and provided that no law should be discriminatory either in itself or in its effect. The State endeavoured to take all necessary measures to help any group or persons to achieve equal enjoyment of human rights.

7. As to complaints pertaining to racial discrimination, he said that awareness campaigns were conducted on a regular basis. The Prime Minister's Office had created the online Citizen Support Portal to address complaints. They could also be lodged with the National Human Rights Commission, the new Police Complaints Commission, the national preventive mechanism, the Equal Opportunities Commission, the Office of the Ombudsman and the Office of the Ombudsperson for Children.

8. With regard to the implementation of the provisions of the Criminal Code, including article 282, prohibiting incitement to racial hatred and other acts under article 4 of the Convention, he said that when a case was reported to the police, an enquiry was carried out and a report sent to the Director of Public Prosecutions. If there were deemed to be grounds for prosecution appropriate legal action was taken in the courts. His Government was committed to ensuring that no one threatened racial harmony in Mauritius. In a recent case in which the Vice Prime Minister had made remarks liable to incite communal tensions, for example, immediate action had been taken: the Vice Prime Minister had resigned from his post and he understood that a police enquiry had been launched.

9. By way of improving the living standards of vulnerable citizens living on Rodrigues Island, the Government had built 132 houses in the previous year and further construction was planned.

10. The Government was sparing no efforts to improve the living conditions of those forcibly displaced from Diego Garcia and the Chagos Archipelago. As full citizens of

Mauritius, Chagossians enjoyed the same rights as all other Mauritians, including access to services such as free health care and education. In addition, special measures were in place, including the donation of land for housing and the setting up of the Chagossian Welfare Fund with a view, among other things, to developing programmes and projects for the full integration of Chagossians.

11. Steps to promote the Creole language included a literacy programme at the National Women's Centre, aimed at empowering women by providing basic Creole reading and writing skills.

12. An inter-ministerial committee had been set up to ensure proper coordination in response to trafficking issues and a draft action plan on trafficking in persons was in preparation. Support to victims took the form of government-funded NGO shelters and a victim drop-in centre. There was also legal provision for testimony to be given on camera under specific circumstances. In addition, his Government had joined the Call to Action to End Forced Labour, Modern Slavery and Human Trafficking, endorsed by certain United Nations Member States at the General Assembly in 2017.

13. Other measures taken by his Government included a new Extradition Act that simplified procedures and did away with the distinction previously made between Commonwealth and non-Commonwealth countries; under the 2018 Judicial and Legal Provisions Act, criminalization of the offence of stirring up racial hatred via electronic media; amendments to the Prevention of Terrorism Act to strengthen preventive measures; and the 2016 Social Integration and Empowerment Act, intended to help combat absolute poverty.

14. **Ms. Mohamed** (Country Rapporteur) said that it was regrettable that civil society had not been involved in the preparation of the State party's periodic report. The Committee was interested to learn of any cases in which in the rights protected under the International Convention on the Elimination of All Forms of Racial Discrimination had been invoked before or applied by the national courts. Information on any measures that the State party had taken as part of its National Human Rights Action Plan 2012–2020 with a view to the elimination of racial discrimination and their impact would also be welcome. In addition, it would be interesting to know what steps had been taken to amend the Equal Opportunities Act to prohibit discrimination based on language.

15. The Committee would be grateful for information on the State party's efforts to strengthen the independence of the National Human Rights Commission, with particular regard to the appointment and security of tenure of commissioners. Moreover, it would be useful to have detailed information on the Commission's activities and their contribution to combating racial discrimination.

16. The reporting State should indicate what steps it had taken to reconsider the constitutional classification of the various groups of its population based on the principle of self-identification. In addition, the State party should provide information on the steps it had taken to introduce special measures to expedite the equal enjoyment of human rights by disadvantaged groups protected under the Convention.

17. The Committee would welcome information on measures that the State party had taken to raise public awareness of, and strengthen public confidence in, non-judicial channels for submitting complaints of racial discrimination, including the Office of the Ombudsman, the Equal Opportunities Commission and the National Human Rights Commission, and the impact of such measures. Detailed statistical data on complaints of racial discrimination and their outcomes, including disciplinary measures handed down and remedies provided to victims, would also be welcome.

18. It would be interesting to receive information on measures that the State party had taken to implement the provisions of the Criminal Code prohibiting incitement to racial hatred and other acts listed in article 4 of the Convention. In addition, the Committee would welcome information on measures that the State party had adopted to prevent and investigate incidents of hate speech, including by politicians and other public figures, against specific ethnicities or minorities, notably the Creoles. Additional information on measures to improve the living standard of the Creoles, including those residing on

Rodrigues Island, and on the impact of measures to increase their access to education, housing and employment, would also be welcome. The State party should also provide information on the steps it had taken to ensure balanced political participation and the representation of all ethnic groups in the State party as part of the electoral reform process currently under way.

19. The Committee would appreciate information on the measures that the State party had taken to improve the living conditions of the Chagossians. An update on the progress achieved in implementing the recommendations made by the Truth and Justice Commission in 2011 and any other measures to ensure the participation of the Chagossians in activities concerning them would also be welcome. The introduction of instruction in the Creole and Bhojpuri languages in primary schools was welcome. Nevertheless, the Committee would appreciate additional information on measures that the State party had taken to officialize and preserve the Creole language, including in the education system.

20. The Committee encouraged the State party to accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. It would be useful to learn about any measures that the State party had adopted to extend the protection against discrimination in respect of access to employment provided for in the Equal Opportunities Act to domestic workers. Additional information on the State party's efforts to improve the working conditions of migrant workers, prevent their exploitation, ensure effective labour inspections in sectors that employ migrant domestic workers and hold abusive employers accountable would be appreciated.

21. The Committee would be grateful if the State party could indicate what it had done to more effectively address trafficking in persons, including migrants, for the purposes of sexual and labour exploitation. Furthermore, it would be useful to have information on the implementation of the Combating of Trafficking in Persons Act of 2009 and other relevant legislation, notably disaggregated data on investigations into trafficking, prosecutions and the outcomes of relevant court cases, including the sentences handed down to perpetrators and the remedies provided to victims.

22. The reporting State should provide information on the measures it had taken to develop and implement a legal framework for protection against refoulement, in accordance with international standards. Updated information on the situation of persons in need of international protection, including their access to basic services and protection against refoulement, would be welcome. It would be useful to know whether the State party had signed any extradition treaties with other countries.

23. Lastly, the Committee would be grateful for additional information on the State party's efforts to assess the impact of human rights training programmes provided to law enforcement officials. Information on human rights training and education programmes implemented to foster reconciliation, inclusiveness and understanding, including those implemented in schools, would also be appreciated.

24. **Mr. Kut** (Follow-up Coordinator) said that he hoped that the State party's follow-up report to the concluding observations resulting from the present session would be submitted in a timely fashion. To follow up on the recommendations that had been made by the Committee in paragraphs 11 and 12 of its previous concluding observations on Mauritius (CERD/C/MUS/CO/15-19), he would appreciate additional information on the State party's efforts to ensure that racial motivation was considered as an aggravating circumstance in the sentencing of crimes, as well as on its efforts to prohibit organizations that promoted racial discrimination. It would be useful to know what percentage of complaints received by the Office of the Ombudsman pertained to racial discrimination. He was interested to know what remedies had been afforded to the victims involved in such complaints and, more generally, what action the institutions tasked with addressing them had taken.

25. **Mr. Avtonomov** said reports suggested that the social hierarchy in Mauritius continued to be divided along skin colour, ancestry, caste and racial lines. Indeed, it was stated in the 2014 report of the country's Equal Opportunities Commission that the caste system remained deeply entrenched in society, including in employment, where it was particularly visible in the public sector. He wished to know what measures the Government and the Equal Opportunities Commission had taken to remedy the situation, including by

conducting research to identify the situation of different ethnic groups in the labour market and aid in efforts to eradicate racial discrimination.

26. He noted that, under the Equal Opportunities Act and the employment legislation, certain hiring practices that could disadvantage some sectors of society were not deemed to be discriminatory. He wondered whether any cases had been brought to challenge those clauses and, if so, how the courts had interpreted those provisions. It would be interesting to know whether the Equal Opportunities Commission had also made any recommendations in that regard. Information on the current situation of Chagossians, who had originally inhabited the Chagos Islands before their expulsion by the British, would also be gratefully received.

27. **Mr. Murillo Martínez** said that he would welcome statistical data on the number of Chagossians residing in Mauritius and on the Chagossian diaspora. Noting that the State party had requested an advisory opinion from the International Court of Justice on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965, he wished to know the extent to which Chagossians participated in any and all legal proceedings that had been launched on the subject.

28. He would like to know what proportion of the prison population was from an ethnic-minority background; why the Government seemed reluctant to introduce special measures aimed at eliminating discrimination and accelerating the advancement of disadvantaged groups, as provided for by the Convention and explained in the Committee's general recommendation No. 32 (2009) on the meaning and scope of special measures in the Convention; whether the burden of proof could be reversed in civil proceedings relating to racial discrimination; and what activities had been planned to mark the International Decade for People of African Descent. Information on the extent to which the caste system persisted in the country would also be appreciated.

29. **Mr. Cali Tzay** said that the Creole community, which constituted around a quarter of the population, was underrepresented in political life and yet overrepresented in the prison population. Moreover, the Constitution did not recognize the Creole language — spoken by around 80 per cent of the population — as an official language alongside English and French. He wondered what reasons were underlying the social and political situation of the Creole population, what measures were being taken to address those imbalances and how the State party intended to improve the representation of ethnic minorities in public and political life.

30. Data provided by the State party in its periodic report suggested that the vast majority of complaints of racial discrimination that were made to the Equal Opportunities Commission or referred to the Equal Opportunities Tribunal were dismissed. He wished to know what could account for that phenomenon; of the cases that had been taken forward, he wondered how many had been litigated, how many had resulted in convictions and what sentences had been handed down.

31. **Mr. Bossuyt** said that he wished to know the extent to which English, French and Creole were used in the administrative, legal and educational spheres. Referring to paragraph 36 of the report, regarding the Deportation Act, he wondered whether there was a maximum period for the detention of persons awaiting a decision on their deportation.

32. He would like to know the extent to which the State party had followed up on the Views of the Human Rights Committee, dated 27 July 2012, concerning communication No. 1744/2007. That Committee had deemed as arbitrary the obligation for prospective candidates of parliamentary elections to declare their membership of one of the four categories of the Mauritian population — namely Hindu, Muslim, Sino-Mauritian or "general population", a category that included Creoles and other groups — in view of the fact that no survey of the community or ethnic make-up of the country had been carried out since 1972. He wished to know whether the proposed electoral reforms included abolishing that requirement and whether there were plans to collect updated data disaggregated by ethnicity so as to ensure the equal political representation of the country's ethnic groups.

33. **Ms. Shepherd**, referring to paragraphs 121–123 of the State party's report, on the Truth and Justice Commission, which had been set up to conduct inquiries into slavery and

indentured labour during the colonial period in Mauritius, said that she would be interested to hear more about the implementation schedule agreed by the Government to give effect to the Commission's recommendations. In particular, she wished to know when a museum of slavery would be established; whether the implementation schedule also covered the work of the Land Research and Mediation Unit and of the Land Monitoring and Research Unit, which were tasked with researching and settling disputes related to land dispossessions; how the work of the Ministerial Committee and the anti-discrimination unit would contribute to improving inter-ethnic relations and the conditions of disadvantaged groups of society; and how the general public had reacted to the recommendation to provide reparations to the affected groups and to establish a system of affirmative action in order to address the social and economic imbalances created and fostered under slavery and colonialism.

34. Regarding education, she would be grateful for information on the impact of measures taken by the Government to increase access to education for the Creole population. She also wondered whether the history of the country's ethnic groups had been incorporated into the school curricula in order to promote understanding, tackle the ethnic divide and combat racial discrimination and hatred. In that connection, she would like to know what progress had been made since the so-called reggae riots of 1999, which had been triggered by widespread discrimination against reggae artists and members of the Rastafarian community. Lastly, she asked what reasons could account for the persistence of the caste system in Mauritius.

35. **Mr. Diaby** said that he wished to know the extent to which the country's different ethnic groups were truly represented in public life, since certain groups seemed to predominate over others. In fact, members of just two families had ruled Mauritius since it had gained its independence. In a similar vein, he would like to know details of the ethnic composition of the police force, in particular in decision-making posts, and how officers from Creole backgrounds were able to progress in their careers.

36. He wondered whether the delegation could provide information on literacy levels and on access to education and employment among the different communities in the State party; whether the Equal Opportunities Commission was a fully independent body and, if so, to which institution it reported; when the most recent population and housing census had been carried out and what the results had been; and what role was played by civil society in Mauritius, including whether NGOs had been involved in the drafting of the State party's report to the Committee.

The meeting was suspended at 5.05 p.m. and resumed at 5.20 p.m.

37. **Mr. Gobin** (Mauritius) said that he was currently unable to provide the Committee with the detailed statistics that it had requested. He pointed out, however, that if his Government began to compile prison statistics based on race, religion or skin colour such as statistics on the number of Creoles in the prison population, it would be perpetuating a system that needed abolishing. Persons were imprisoned following legal proceedings and convictions by impartial courts. The judiciary in Mauritius was fiercely independent and refrained from differentiating on the basis of ethnicity. Article 16 of the Constitution prohibited discrimination on grounds of race, caste, place of origin, political opinions, colour or creed.

38. Referring to the implication by Committee members that specific minorities lived in poverty and were denied access to Government services and employment in the public or private sector, he said that poverty affected all communities and minorities and was spread across all religions, beliefs, skin colours, ethnicities and castes. The social empowerment programme, which sought to eradicate absolute poverty, and the social housing projects for low-income groups did not target specific minorities but were universal programmes. Non-discrimination was the bedrock of racial harmony.

39. The distinguished author V.S. Naipaul, who had passed away a few days previously, had written a book in 1972 entitled "The Overcrowded Barracoon", which referred to ethnically diverse islands, including Mauritius, which had achieved independence in 1968. Mauritius seemed at the time to be doomed to failure due to anticipated social, racial and economic chaos and lethal conflicts between ethnic groups. On the contrary, racial harmony

had prevailed, although it had not been achieved overnight because nation-building was a slow process.

40. He warned against drawing hasty conclusions. With regard to employment, the caste system had never served as a criterion for recruitment or promotion. Moreover, the Commissioner of Police was a Creole.

41. With regard to the comment that unduly few cases of racial hatred were prosecuted in the judicial system, he said that all complaints led to an independent investigation overseen by the Director of Public Prosecutions, who enjoyed constitutional independence. The lacuna in the Criminal Code concerning the dissemination of hate speech by electronic means, such as the social media and mobile phones, had been remedied by the Judicial and Legal Provisions Act. The Information and Communication Technologies Act also criminalized such conduct. The Vice Prime Minister had been forced to resign in November 2017 after making sectarian remarks.

42. He assured the Committee that the caste system, which had stemmed from Indian immigration in the nineteenth century, was not being perpetuated. It would be unfair to appoint Creoles to positions of authority on account of their membership of a particular group rather than on the basis of their competence and qualifications.

43. There were ongoing consultations on reform of the electoral system, which was a highly sensitive issue. Maintenance of harmony, peace and stability and ensuring fair representation had been core principles of the system from the outset and had led to the establishment of three-member rather than single-member constituencies. Free and fair elections had been held at least every five years. The Best Loser System, which was based on four communities, had ensured fair representation, but it was approaching its expiry date and a new formula would have to be found. The Supreme Court was scheduled to deliver a judgment in 2019 on the constitutional case referred to it. The Ministerial Committee would also submit a report to the Cabinet.

44. The Truth and Justice Commission had submitted its report to the President in 2011. It had attached great importance to the issue of landownership and dispossession. At the Government's request, he had instructed the Law Reform Commission to look into the possibility of setting up a land tribunal. The recommendations contained in its report would be implemented.

45. The budget for 2018–2019 allocated funds for the establishment of the Intercontinental Slavery Museum. With regard to the language issue, Mauritius had opted for English and French for obvious economic reasons after achieving its independence. Now that it had become somewhat more prosperous, the National Assembly was contemplating the introduction of the Creole language.

46. All independent institutions, including the Office of the Ombudsman, the Equal Opportunities Commission, the National Human Rights Commission and the Ombudsperson for Children, published annual reports.

The meeting rose at 6 p.m.

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International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination
Ninety-sixth session

Summary record of the 2659th meeting
Held at the Palais Wilson, Geneva, on Wednesday, 15 August 2018, at 10 a.m.

Chair: Mr. Amir
later: Mr. Murillo Martínez (Vice-Chair)
later: Mr. Amir

Contents

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The meeting was called to order at 10.05 a.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

Combined twentieth to twenty-third periodic reports of Mauritius (*continued*) (CERD/C/MUS/20-23; CERD/C/MUS/Q/20-23)

1. *At the invitation of the Chair, the delegation of Mauritius took places at the Committee table.*

2. **The Chair** said that he wished to recall that the Committee had a mandate to examine and evaluate the effectiveness of the measures in place to implement the Convention in each and every State party. Racial discrimination existed throughout the world, and the Convention applied to circumstances, situations and issues that were not always immediately apparent. By giving every State party the opportunity to submit a written report and an oral presentation that included facts and figures pertaining to the various groups, languages, traditions and practices that existed within it, the Committee sought to obtain accurate information so that it could draw appropriate conclusions and issue pertinent guidance.

3. In asking for figures and statistics disaggregated by race or ethnicity, the Committee did not seek to call into question the unity of the people of Mauritius, but rather to see evidence that the high standards of equality and non-discrimination enshrined in the Convention were being respected. Clearly, those who suffered racial discrimination did not always report it. For that reason, it was important to consider other indicators.

4. He was honoured to chair the Committee, which was composed of members elected for their expertise, integrity and impartiality, and wished to commend the professional work of the country rapporteur in the current case, Ms. Mohamed. The Committee did everything within its power to reduce all forms of racial discrimination, an endeavour for which it was internationally recognized. He, as Chair, would always act with the authority vested in him by members and strive to direct the Committee on the basis of unanimity.

5. **Mr. Murillo Martínez** said that there had been some surprise among Committee members at remarks made during the dialogue the previous day. The Committee's questions had been posed in a spirit of understanding the situation in the State party in order to assess it, challenge it, and make observations. At the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, in 2001, it had been unanimously agreed that racism was a universal phenomenon. In particular, people of African descent had historically been victims of colonialism and racial discrimination, and the fact that they continued to suffer the consequences of that was a global reality.

6. The Committee's general recommendation XXI stated that disaggregated statistics were one of the best indicators for assessing racism and racial discrimination within a country. Using that method, several other States parties to the Convention had been able to identify that, for example, youths of African descent were much more likely to live in poverty, be imprisoned, or be victims of violent crime. Rather than making insinuations about racial discrimination within the State party, the Committee was therefore inviting the delegation to provide information and statistics that would allow it to better understand the situations of different groups.

7. He wished to congratulate the State party on the steps it had taken with the International Court of Justice in relation to the Chagossian people. He himself had had the opportunity to visit Mauritius to learn more about persons of African descent in the country. As had been said before, the Committee was not a tribunal, but rather a forum for identifying and discussing the circumstances that could lead to racism so that recommendations could be issued accordingly.

8. *Mr. Murillo Martínez (Vice-Chair) took the Chair.*

9. **Mr. Gobin** (Mauritius) said that the integrity and experience of the members of the Committee was beyond doubt. The issue that shocked and perplexed him was the

Committee's need for empirical data and State body accountability for statistics. He knew from personal experience that the social fabric in his small country was very fragile, and he feared that attempts to draw distinctions between communities and ethnicities would be divisive. Social cohesion had been hard-won in Mauritius and was highly prized. However, he very much hoped that the Committee would be able to help his delegation find a solution to the issue, as the Committee and the Government of Mauritius both shared the same aims.

10. The delegation had provided some statistical data to the Committee in response to questions raised the previous day, and he would be pleased to answer any questions on the information submitted. His presence at the current meeting and at the dialogue held with the Committee against Torture in 2017 attested to his Government's commitment to cooperating with the treaty bodies.

11. Regarding collaboration with non-governmental organizations (NGOs), he wished to reassure the Committee that the Government had held consultations with the Mauritius Council of Social Services prior to the drafting of its report. Following a meeting with officials from the Regional Office for Southern Africa of the United Nations High Commissioner for Human Rights in Pretoria in December 2017, the State had established the National Mechanism for Reporting and Follow-up (NMRF). All relevant State bodies, non-State actors and civil society were a part of the NMRF and, since its creation at the beginning of 2018, meetings had been held almost every month to exchange information on a number of different subjects.

12. He was unable to provide statistics on the number of Chagossians in Mauritius and the number of their diaspora because such information was being considered currently by the International Court of Justice (ICJ) in preparation for the upcoming advisory opinion that the ICJ would render on the excision by the United Kingdom of the Chagos Archipelago from Mauritius. Once the opinion had been rendered, Mauritius would be at liberty to provide the relevant statistics. He confirmed that official and regular consultations had been held between the State and Chagossians on the request submitted to the ICJ via discussions with the spokesperson of the Chagos Refugees Group, Mr. Olivier Bancoult. Mr. Bancoult had been born in Chagos and uprooted from his birthplace at the age of 4 following the separation of the island from Mauritius. He had also been a member of the official Mauritian delegation, which had been sent to New York for the General Assembly of the United Nations in both 2016 and 2017, and which had successfully demanded the adoption of a resolution seeking the above-mentioned ICJ advisory opinion.

13. The question of dispossession of land was a key issue in the report of the Truth and Justice Commission. Given that many of those incidents had occurred more than 50 years ago, a number of legal issues arose when persons decided to bring such cases before the courts, such as the statute of limitations for the offences. The Law Reform Commission had been requested to examine the situation of litigants seeking redress for dispossession of their alleged property and the report was forthcoming. If the Law Reform Commission recommended the establishment of a special tribunal to deal with such cases, then the Government would act accordingly. He confirmed that a budget had been allocated and a location identified for the Intercontinental Slavery Museum and that the Government was working with international experts to make the museum a reality.

14. He reassured the Committee that all national human rights institutions operated independently of political influence. Although members of such institutions might be appointed by political bodies, the real measure of their independence lay in the integrity with which they carried out their work. The national reports that such institutions produced were made available to the public in an effort to promote transparency.

15. English was the official language of Mauritius although French was widely spoken and used in writing. State and non-State actors also undertook activities to promote the use of other languages, including Creole, Arabic and Marathi. State television dedicated a specific channel for programmes broadcast in minority languages. Regarding the specific request to use Creole in the National Assembly, a number of practical questions were at stake, such as the translation of all official documents and legislative acts into Creole. The feasibility of the request was presently under consideration by the Government and

examples of best practice from other linguistically diverse countries, such as South Africa and India, were also being studied.

16. The mandatory minimum wage in Mauritius applied to migrant workers. In order to improve the awareness among migrant workers of their rights, an interministerial committee had decided to create a pamphlet entitled "Know your rights", which would be released in November 2018 and published in a number of languages. The pamphlets would be available free of charge at several points of distribution, including at immigration counters in airports. A coordination mechanism had been established between the immigration department under the Commissioner of Police and the labour inspectorate under the Ministry of Labour, Industrial Relations, Employment and Training in order to facilitate the exchange of information. Arrests and prosecutions of employers who did not heed the law in their treatment of migrant workers fell under the remit of the Director of Public Prosecutions. The Government was working closely with the Embassy of the United States of America and the British High Commission to combat trafficking in persons.

17. He assured the Committee that the island of Rodrigues had consistently received special attention from the Government in order to promote its development. The Rodrigues Regional Assembly, a body comprising elected members, was responsible for that development and managed its own budget. A budget of 3.75 billion rupees for a population of 40,000 people had recently been allocated to the Rodrigues Regional Assembly. The funds would go towards investing in infrastructure. The Government was also funding the extension of the airport runway in Rodrigues, which would ensure the transportation of more goods to the island. A new Citizen's Advice Bureau had been established in Rodrigues, where individuals were able to interact with State institutions, and a forthcoming cable connection project would vastly improve Internet connectivity across the island, all of which demonstrated that Rodrigues was keeping pace with the overall development of Mauritius.

18. Concerning the treatment of the Rastafari community, he stressed that there was no discrimination against them or any other ethnic group or association. The perception that Rastafari were specifically targeted by the police had arisen because, although cannabis smoking was part of Rastafari culture and religion, its cultivation, possession and use were illegal in Mauritius. In his view, the law should be applied equally to all and should not be used to prosecute some individuals but not others; any solution to the problem must respect the rule of law and non-discrimination. Nevertheless, recognizing that Rastafari and other groups wished to see the drug laws relaxed and the use of cannabis decriminalized, he pointed out that the Commission of Inquiry on Drug Trafficking had recently issued a report containing recommendations in that regard.

19. *Mr. Amir resumed the Chair.*

20. **Ms. Shepherd** said that she commended the State party for its efforts to try to forge a united country despite the multiple problems left by former colonial powers. In particular, she congratulated the State party on the findings of the Truth and Justice Commission and looked forward to the implementation of its recommendations, especially those on reparatory justice and land claims. Noting that certain claims dated back more than 100 years, she asked whether any dated back to the time of the indenture system and whether Indian former indentured labourers had received land incentives, as they had in the Caribbean. In her view, the establishment of the Commission pointed to the existence of vulnerable groups and others still affected by the negative legacy of colonialism. Therefore, she welcomed the plans to build an Intercontinental Slavery Museum, which would help showcase the contribution of Africans to Mauritian society. From her own experience, she had observed that problems such as colourism — perhaps a remnant of old caste systems — lingered in other countries with populations descended from Indian indentured labourers, and she urged the State party to commit to eliminating them.

21. She appreciated the delegation's response concerning the measures taken against Rastafari and noted that the Government might engage in future consultations on the legalization of cannabis. She suggested that the State party might follow the example of other countries, which allowed Rastafari to smoke small quantities of cannabis for religious reasons, without police interference. She was interested to know whether the reggae singer

Kaya, who had died in police custody in 1999, had been arrested for cannabis possession. She commended the State party for its efforts to recognize all languages and recalled from her own visit to Mauritius the ease with which speakers switched between English, French and Creole, the latter enjoying a relatively respected status. In conclusion, she wished to remind the State party that no country was free from racial discrimination, a point that was underscored by the statistics that the delegation had provided on complaints to the Equal Opportunities Commission.

22. **Mr. Avtonomov** said that the sincerity the delegation had shown during the dialogue provided the ideal basis for the Committee to assist the State party in its struggle against discrimination, poverty and other scourges. The fact that Mauritius had already ratified the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189) was important for the Committee, considering that domestic workers often came from other countries and were among the groups most vulnerable to discrimination. He asked whether the State party planned to ratify the amendment to article 8 of the Convention, which would help regularize the funding and work of the Committee.

23. Given that the answers to the Committee's previous concerns and recommendations were somewhat dispersed throughout the report, he suggested that the State party's future reports might include a section devoted exclusively to such answers, which would allow the Committee to comprehensively understand the State party's position and to issue practical recommendations. Nevertheless, the Committee was satisfied by the progress that Mauritius had achieved.

24. **Mr. Calí Tzay** said that he wished to draw attention to a recent report in which it was claimed that Mauritius was an area of risk for migrant workers, with evidence of labour violations, including debt bondage linked to their recruitment. Was that claim true and, if so, what was the State party doing to combat what the report termed "modern slavery"? Recognizing that the caste system was not the same as that which existed in India, he nevertheless wished to know what was being done to abolish it and to combat hate speech and discrimination based on caste. He was also interested to know whether harsher penalties were applied in the event that discrimination was perpetrated by government officials.

25. Considering that economic resources were needed to combat social ills and that the problem of corrupt officials still persisted in Mauritius, he wondered what steps were being taken to fight corruption so that resources were made available to fight discrimination and poverty. Lastly, he wondered why the former Minister of Housing and Lands, Mr. Showkutally Soodhun, who had been removed from his ministerial post for making comments in which he had claimed to have discriminated against Creoles because they were responsible for prostitution, was allowed to remain in his electoral seat.

26. **Ms. Mohamed** (Country Rapporteur), observing that there were 23,673 migrant workers in Mauritius, mostly from Bangladesh, said that it was clear that they continued to suffer discrimination based on caste and race. While she welcomed the information provided about the minimum wage, she was interested to know more about the availability of social protection and health care for migrant workers. She requested statistics on the number of complaints received by the grievance mechanism that had been established. Could migrant workers aspire to naturalization after residing in Mauritius for a lengthy period? The Committee would also welcome details about their conditions of work and access to justice, and about monitoring mechanisms to prevent sexual and other forms of exploitation.

27. Considering that the former Special Rapporteur on the sale of children, child prostitution and child pornography, Ms. Najat Maalla M'jid, had issued a report following her visit to Mauritius, she asked what measures had been taken to prevent the sale of children, child prostitution and child pornography and to protect children at risk. In the light of the limited involvement of civil society organizations in the constructive dialogue and the fact that the State party had not described their contribution to the preparation of the report, she was curious to know whether Mauritius had a law that conferred legal status on such organizations. The delegation might also give details of how the Government ensured and demonstrated that all ethnic groups and women were represented in political life,

including in the Government and the parliament, in the judiciary and in the army. Did judges enjoy full independence in their decision-making? The Committee would also appreciate information on investigations conducted, prosecutions brought and sentences handed down under the Combating of Trafficking in Persons Act of 2009.

The meeting was suspended at 11.55 a.m. and resumed at 12.15 p.m.

28. **Mr. Gobin** (Mauritius) said that the Follow-up Coordinator was correct to point out that Mauritius had not submitted follow-up information within one year of its previous review, in 2013. The Government took full responsibility for the oversight, which was principally due to the general elections that had been held in December 2014 and the transition period that had followed. To address the problem, reporting and follow-up functions had been transferred from the Prime Minister's Office to a new ministry and the National Mechanism for Reporting and Follow-up had been created.

29. Regarding the issue of migrant workers, the Government was increasingly concerned about the debt bondage affecting workers from Bangladesh, in particular. It was reported that a large part of that debt bondage was a result of agreements that had been made between workers and recruitment agents in Bangladesh prior to the migrant workers' arrival in Mauritius. Those workers often left their families in their country of origin and feared reprisals if they broke their agreement with the recruitment agency. It was therefore difficult for the Government to control the problem. However, debt bondage could be avoided if migrant workers did not use recruitment agencies. His Government was working with the Government of Bangladesh to find a sustainable solution to the problem.

30. The Independent Commission against Corruption had been established in 2003 and continued to work to eliminate corruption in the country. The Commission, which was fully independent and followed the "Hong Kong Model", published an annual report on its website. Any criminal cases were sent to the Office of the Director of Public Prosecutions to be heard before the courts. The case of the former Vice-Prime Minister was still being investigated by the police and would be transferred to the Office of the Director of Public Prosecutions in due course.

31. Regarding the living conditions of the large number of migrant workers from Bangladesh, it was mandatory for employers to have a licence for workers to sleep on their premises. The Ministry of Labour, Industrial Relations, Employment and Training had introduced unannounced inspections of such premises to ensure that hygiene conditions and the other conditions of the licence were being respected. If that was not the case, the employer could be prosecuted in the Industrial Court, which had special jurisdiction over labour rights. The Ministry would initiate court proceedings for any worker who could not afford to do so.

32. Legislation was in place that governed the registration of civil society organizations with the Registry of Associations. Some organizations were registered and some more informal associations were not. The Government was open to engaging with both registered and unregistered organizations for the purposes of the treaty body reporting and follow-up procedures.

33. The Government had successfully implemented a quota system for the participation of women at local government level; a minimum of one third of representatives must be women. No quotas existed at other levels of government but women held senior positions in the Cabinet Office. Although the Government encouraged women to stand for elected office, there were few female officials in the National Assembly. With regard to the judiciary, 50 per cent of Supreme Court judges were women, as were the majority of magistrates in the lower courts.

34. **Ms. Dah** said that she would appreciate further information on the participation of ethnic minority women.

35. **Mr. Gobin** (Mauritius) said that he was aware of ethnic minority women who held positions in his Government.

36. Following the publication of the report of the former Special Rapporteur on the sale of children, child prostitution and child pornography, his Government had ratified the

Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure. Adequate legislation was in place to combat child prostitution, including the Child Protection Act and the Combating of Trafficking in Persons Act. Statistics on that issue would be provided in writing. His Government had been working in collaboration with the Embassy of the United States of America and the British High Commission to combat child prostitution. As a result, two experts had travelled to Mauritius to carry out training courses for the police, the Attorney General's Office and the Office of the Director of Public Prosecutions. A report published by the United States Department of State had stated that very little progress had been made in the country with regard to eradicating child prostitution. However, the statistics contained in the report only included prosecutions made under specific child prostitution legislation and not those made under the more general Criminal Code. The Office of the Director of Public Prosecutions would prosecute individuals suspected of involvement in child prostitution under the Criminal Code if the use of that legislation was more likely to lead to a conviction.

37. Providing compensation to individuals who had been dispossessed was challenging, as records from the colonial period were handwritten and were often illegible. Furthermore, stones that were previously used to mark out parcels of land had been moved. The Government was working to find a solution to the problem and the Law Reform Commission was investigating that issue. Land had not been given to previously indentured workers in lieu of repatriation.

38. The Government was committed to rectifying the issue of a lingering caste system in the country, which was a vestige of colonial times. All types of discrimination were punishable by law. He agreed with Mr. Avtonomov that in future reports his Government would include separate chapters on specific issues.

39. **Ms. Mohamed** said that she had learned a great deal from the constructive and sincere dialogue with the delegation. She hoped that it would help the Government work towards eliminating all forms of discrimination.

40. **Mr. Gobin** (Mauritius) said that he appreciated the opportunity to engage in an interactive dialogue with the Committee. His Government was committed to strengthening its human rights system, to the best of its ability and within its resources, in order to live up to its obligations under the Convention. The dynamic and robustly independent judiciary in his country played an important role in ensuring the protection of human rights and fundamental freedoms. He acknowledged that the implementation of human rights norms required the furtherance of democracy and rule of law. Special attention must be paid to the needs of vulnerable members of society. His Government was fully committed to the protection and promotion of human rights at all levels and would continue to work in close collaboration with the Committee to that end.

The meeting rose at 1 p.m.